

PARTIES' PROPOSED PHASE 2 VERDICT FORMS
Submitted: November 27, 2023

Plaintiffs' Proposed Verdict Form

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KRAFT FOODS GLOBAL, INC., THE)	
KELLOGG COMPANY, GENERAL)	
MILLS, INC., and NESTLÉ USA, INC.,)	
)	
Plaintiffs,)	No. 1:11-cv-08808
)	
v.)	Judge Steven C. Seeger
)	
UNITED EGG PRODUCERS, INC.,)	
UNITED STATES EGG MARKETERS,)	
INC., CAL-MAINE FOODS, INC., and)	
ROSE ACRE FARMS, INC.,)	
)	
Defendants.)	

VERDICT FORM

Please complete this verdict form by answering the following questions.

When completing the form, follow all directions given by the Court in the final jury instructions.

Some of the questions contain legal terms that the Court defined in the final jury instructions. You should refer to and consider the final jury instructions as you answer the questions in this verdict form.

Your answers must be unanimous.

What is the total amount of damages incurred by each of the following plaintiffs?

Kraft Foods Global: \$ _____

The Kellogg Company: \$ _____

General Mills: \$ _____

Nestle USA: \$ _____

You have now reached the end of the verdict form. Please review it carefully to ensure that it accurately reflects your unanimous decision.

Each juror should sign the verdict form in the spaces below and the presiding juror should date the form below and notify the court security officer that you have reached a unanimous verdict.

The presiding juror should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.

_____	_____
<i>Presiding Juror</i>	
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
Date: _____	

Defendants' Proposed Verdict Form

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

KRAFT FOODS GLOBAL, INC., <i>et al.</i> ,)	
)	
Plaintiffs,)	Case No. 11-cv-8808
)	
v.)	Hon. Steven C. Seeger
)	
UNITED EGG PRODUCERS, INC., <i>et al.</i> ,)	
)	
Defendants.)	
_____)	

VERDICT FORM

Please complete this verdict form by answering the following questions.

When completing the form, follow all directions given by the Court in the final jury instructions.

Some of the questions contain legal terms that the Court defined in the final jury instructions. You should refer to and consider the final jury instructions as you answer the questions in this verdict form.

Please notice the instructions after each question about answering additional questions.

Your answers to each question must be unanimous.

We, the jury, unanimously find as follows on the questions submitted to us, and we return our verdict in this case as follows:

1. Did Kraft Foods Global carry its burden of proving a reasonable basis for determining damages it suffered for antitrust injury from October 2004-December 2008.

YES _____ NO _____

If you answered “YES” to Question #1, proceed to Question #2.

If you answered “NO” to Question #1, you must not award damages. Proceed to Question 3.

2. As to the amount of damages, we find that Plaintiff Kraft Foods Global has proven a reasonable estimate of damages supported by the evidence in the following amounts. Please provide an amount (or zero) for each of A-D:

A. Early Slaughter, Early Molting, and Reduction in Placement of Hens (*i.e.*, the so-called Short-Term Measures).

\$ _____

B. Exports as Part of the USEM Export Program

\$ _____

C. Cage Space or Henhouse Density Restrictions as Part of the UEP Certified Program

\$ _____

D. Restricting Backfilling of Egg-Producing Hens as Part of the UEP Certified Program

\$ _____

3. Did Plaintiff Kellogg Company carry its burden of proving a reasonable basis for determining damages it suffered for antitrust injury from October 2004-December 2008.

YES _____ NO _____

If you answered “YES” to Question #3, proceed to Question #4.

If you answered “NO” to Question #3, you must not award damages. Proceed to Question 5.

4. As to the amount of damages, we find that Plaintiff Kellogg Company has proven a reasonable estimate of damages based on the evidence in the following amounts. Please provide an amount (or zero) for each of A-D:

**A. Early Slaughter, Early Molting, and Reduction in Placement of Hens
(i.e., the so-called Short-Term Measures).**

\$ _____

B. Exports as Part of the USEM Export Program

\$ _____

**C. Cage Space or Henhouse Density Restrictions as Part of the
UEP Certified Program**

\$ _____

**D. Restricting Backfilling of Egg-Producing Hens as Part of the
UEP Certified Program**

\$ _____

5. Did Plaintiff General Mills carry its burden to prove a reasonable basis for determining damages it suffered for antitrust injury from October 2004-December 2008.

YES _____ NO _____

If you answered “YES” to Question #5, proceed to Question #6.

If you answered “NO” to Question #5, you must not award damages. Proceed to Question 7.

6. As to the amount of damages, we find that Plaintiff General Mills has proven a reasonable estimate of damages based on the evidence in the following amounts. Please provide an amount (or zero) for each of A-D:

**A. Early Slaughter, Early Molting, and Reduction in Placement of Hens
(i.e., the so-called Short-Term Measures).**

\$ _____

B. Exports as Part of the USEM Export Program

\$ _____

C. Cage Space or Henhouse Density Restrictions as Part of the UEP Certified Program

\$ _____

D. Restricting Backfilling of Egg-Producing Hens as Part of the UEP Certified Program

\$ _____

7. Did Plaintiff Nestlé USA carry its burden to prove a reasonable basis for determining damages it suffered for antitrust injury from October 2004-December 2008.

YES _____ NO _____

If you answered “YES” to Question #7, proceed to Question #8.

If you answered “NO” to Question #7, you must not award damages. Proceed to the last page of this verdict form and sign and date it.

8. As to the amount of damages, we find that Plaintiff Nestle USA has proven a reasonable estimate of damages based on the evidence in the following amounts. Please provide an amount (or zero) for each of A-D.

A. Early Slaughter, Early Molting, and Reduction in Placement of Hens (*i.e.*, the so-called Short-Term Measures).

\$ _____

B. Exports as Part of the USEM Export Program

\$ _____

C. Cage Space or Henhouse Density Restrictions as Part of the UEP Certified Program

\$ _____

D. Restricting Backfilling of Egg-Producing Hens as Part of the UEP Certified Program

\$ _____

You have now reached the end of the verdict form. Please review it carefully to ensure that it accurately reflects your unanimous decision.

Each juror should sign the verdict form in the spaces below and the presiding juror should date the form below and notify the court security officer that you have reached a unanimous verdict.

The presiding juror should retain possession of the verdict form and bring it when the jury is brought back into the courtroom.¹

Presiding Juror

Date: _____

¹ Defendants reserve the right to suggest alternative inquiries depending on the Court's pre-trial rulings on contested matters and Plaintiffs' proffered theories of damages.